IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITON NO.6506 OF 2006

Gopal Glass Works Ltd. & Ors. ..Petitioners.

V/s.

Union of India & Ors. ..Respondents.

Mr.V.Sridharan with Prakash Shah & Bharat Ruichandani i/b. M/s.PDS Legal for petitioners.

Mr.A.J.Rana, senior advocate with R.C.Master for respondents.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 4TH OCTOBER, 2006.

P.C. :-

Heard Mr.Sridharan in support of the petition. Mr.A.G.Rana, senior advocate appears for the respondents. Rule, returnable forthwith.

2. Heard finally by consent of parties.

3. The impugned order passed by the Settlement Commission has sent back the matter to the excise authorities and declined to entertain the application for the reasons that the applicant is stated not to have complied with an interim order passed by the Settlement Commission. That interim order was to file an affidavit. In our view,that is not a reason for

which the Settlement Commission could dismiss an application. Mr.Rana, very fairly accepts this position. For this reason, we interfere and set aside the order dated 8th May, 2006 which is impugned in this petition. The application of settlement bearing No.208/2005 filed by the petitioner herein will stand restored to the file of the Settlement Commission. Needless to state that Settlement Commission would decide the application on its own merits.

4. We make it clear that this order does not mean anything more than the above irregularity found in the order of the Settlement Commission.

5. Petition is allowed. Rule is made absolute in terms of above order.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)